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In re application of : DECISION ON PETITION  
David A. Cathy, et al : Under 37 CFR 1.181  
Serial No. 09/031,617  
Filed: February 27, 1998  
For: MOCVD PROCESS USING  
OZONE AS A REACTANT TO DEPOSIT  
A METAL OXIDE BARRIER LAYER

APR 4 2001

This is a decision on the petition filed October 5, 2000 under 37 C.F.R. 1.181.  
Petitioner request to withdraw the finality of the office action of August 11, 2000.

The Petition is granted.

The petition is granted for the following reasons:

- 1) There is no statutory or legal basis supplied in the body of the office action for rejecting claims 31-36 as was indicated on the PTO-326 form.
- 2) The office action dated March 17, 2000 indicated that claim 30 along with claims 26-29 (now canceled) is withdrawn from consideration on the basis that it was drawn to "...a method of deposition on any surface and the previous claims are a process for creating a barrier layer on a semiconductor substrate." However, claim 30 recites "providing a semiconductor substrate" upon which a metal oxide is formed, thus having the same scope as the examined method claims.

Therefore, the final rejection is withdrawn and a new office action will be sent treating claims 30-36 on the merits.

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